

## The Role of Governmental Agencies

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# The Role of Governmental Agencies

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**G**overnmental agencies at the state and federal levels, as well as state legislators and federal congressional representatives, are realizing the need to dedicate resources and take a stronger role in addressing the needs of our deteriorating school infrastructure. Illinois is one of the leading states that is providing a capital program to assist school districts throughout the state in creating classrooms as a result of deteriorating conditions or population growth.

When addressing planning, developing and implementing of school construction projects, school districts must comply with a variety of State and federal laws, rules and codes. It is very important that school boards comply with the requirements of all jurisdictions when considering a school construction project.

This section will hopefully ease the search for districts by identifying contact information for particular compliance components of a school construction project.

The following information is intended to provide a summary of the roles identified by governmental agencies in the school construction project.

## I. SCHOOL CONSTRUCTION PROGRAM: ILLINOIS OVERVIEW

The Illinois State Board of Education (ISBE) and the Capital Development Board (CDB) are jointly responsible for administering the School Construction Program in Illinois.

### **Responsibilities of ISBE**

- Promote rules deemed necessary for carrying out its responsibilities under the provisions of the School Construction Law.
- Approve district facilities plans of applicants.
- Accept all program applications for Construction Grants and Debt Service Grants.
- Develop standards for determining the priority needs of school construction projects based upon approved district facilities plans and a list of specific priorities.
- Issue Construction Grant Entitlements.

### **Responsibilities of CDB**

- Establish administrative rules requirements necessary for carrying out its responsibilities under the provision(s) of the School Construction Law.
- Establish construction project standards including definitions of recognized costs, and space and capacity standards that can be eligible for State reimbursement and enrichment costs that would not.
- Award individual construction grants.
- Exercise general supervision over school construction projects receiving grants.
- Process payments for approved projects.

### **Who Processes a School Construction Grant Award Application?**

Districts submitting applications for qualifying projects are awarded construction grant entitlements by ISBE. Entitlements qualify districts for the program; however, they are not guarantees for funding. Eligible districts that do not receive construction funds in the current fiscal year can update their applications and retain their ranking number to be eligible for funding consideration in the next cycle. However, the order of the ranking will change because updated applications are merged with new applications for the new fiscal year cycle.

### **What Projects are eligible for a School Construction Grant?**

Districts may apply in the following priority classifications:

- A.** Building replacement or reconstruction due to disaster.
- B.** Insufficient classrooms due to enrollment growth or replacement of aging building(s).
- C.** New school construction due to interdistrict consolidation/reorganization.
- D.** Project(s) to correct problems stemming from severe and continuing health or life safety problems.
- E.** Project(s) designed to provide accessibility to qualified individuals with disabilities.
- F.** Project(s) designed to address other unique solutions to space needs.

### **What determines Eligibility for a School Construction Grant?**

Eligibility is based on enrollment and needs of the district. To qualify for School Construction Program entitlement, school districts must meet minimum enrollment requirements and have available their local share of funds. Minimum enrollments are 200 for elementary, 200 for high school, and 400 for unit districts. The state share of grants ranges from 35 to 75 percent of eligible construction costs, determined by an index adjusted annually to reflect changes in the district's overall wealth. Districts with local property wealth at or above the 99th percentile are ineligible.

Before any grant funds are awarded, districts must raise their local share or matching funds. A referendum is not required to participate in the program. However, a referen-

dum is required to obtain voter approval to construct a new building or to issue building bonds. Districts must submit an application and receive grant entitlement from ISBE before holding a referendum and prior to the starting construction of the project.

**Project Survey Process**

In determining the grant amount for the eligible school district, it is necessary for CDB personnel to meet with the school district and its consultants to establish all eligible project costs. Prior to the site visit, the school district must define the project. An agenda is sent to the school district identifying the CDB team and outlining the information to be discussed at the meeting. The purpose of the visit is to review the project description, verify existing conditions, determine associated cost items outside the perimeter of the school facility and obtain information necessary to determine the estimate for the state’s share of the cost of the school district’s proposed project(s).

The following items should be available to the CDB survey team at the time of the site visit; site development information, project plans and cost estimates, site purchase documentation, ISBE grant application forms, health life safety reports, asbestos management plan.

The CDB will calculate all eligible costs as defined by the School Construction Law Project Standards and notify the school district of the estimated recognized project cost, state share dollar amount and the local share dollar amount.

**Grant Award Process**

Once a district has secured the local funds by either successfully passing a referendum to build a new school or having the funds available for an addition / renovations, the district must provide documentation for the passed referendum or the dedication of funds for the project. A copy of the abstract of votes containing the referendum question, votes received and the canvassing board member’s signatures shall be provided for districts having passed a referendum. For those projects not requiring a referendum, a board resolution identifying the source of funding and dedication of those funds to the described project will serve as required documentation. This action will secure the district on the ISBE priority list.

The CDB issues a grant award letter at the time the state dollars are available for a school construction project. An intergovernmental agreement is forwarded to the school district for signature, outlining the payment process and necessary documentation to be provided for payment.

**School Construction Program: Common Research Sources**

**Primary State Agency Contact Information for  
Capital Budget School Construction Projects**

Agency	Contact	Phone Number
State Board of Education	Nona Meyers	217/785-8779
State Board of Education	Susan Weitekamp	217/785-8779
Capital Development Board	Karen Shoup	217/782-8720

**Frequently Asked Questions of the School Construction Program**

***My elementary district wants to apply, but we are ineligible due to having an enrollment of less than 200. Should we still apply?***

Yes. We encourage all districts to apply. Unit districts with enrollments less than 400 and high school and elementary districts with enrollments less than 200 are ineligible; however, there has been legislation introduced several times to allow these districts to become eligible. By submitting an application, you are telling us that you are interested in participating in the program.

***We have completed the SCP worksheets and applications and have found that our district cannot show that we have inadequately housed students. Should we still submit our application?***

Yes. It is important that ISBE staff review your application as there have been many cases where districts are counting space that should not be counted or that the basis of enrollment figures they are using are incorrect.

***We have completed the SCP worksheets and applications and have found that we have inadequately housed students. However, our district does not want to build additions or new buildings, but rather, we would prefer to renovate our existing building and bring it into compliance with the Health Life Safety Code. Should we apply under the priority classification of "4" Health Life Safety?***

If the building to be renovated has been determined to be functionally over 100 years, you should apply under priority classification "2." Renovation to this building would cause the inadequate space to become adequate space.

If the building to be renovated has not been determined to be functionally over 100 years, the application will fall under the priority classification "4." Since the building is already considered to have adequate space, renovation would not cause new adequate space to be added.

***Does the School Construction program require districts to hold a referendum?***

The school code requires districts to obtain authorization from the voters to construct or purchase a building. A referendum is not needed if the district is planning to construct an addition. However, if the district does not have its local share or matching funds on hand needed for the project, it must seek voter approval to issue school construction bonds through a referendum. If a referendum is needed, entitlement must be received prior to the referendum.

***Our district is experiencing rapid growth and cannot wait to start construction until we are awarded a school construction grant. Is it possible to participate in the school construction program after we have already started construction?***

When applying for a School Construction Program entitlement, the school district must certify that the project has not begun. However, when and after ISBE issued the entitlement, it is the school district's decision to begin and even finish the project without jeopardizing the loss of the grant award.

## **II. REGIONAL SUPERINTENDENT'S AUTHORITY**

The School Code gives the Regional Offices of Education (ROE) the responsibility for oversight of construction, operation and maintenance of schools in their regions. The rules established relative to these duties are contained in the Illinois Administrative Code (23 Ill. Adm. Code 180), also referred to as "The Health/Life Safety Code for Public Schools."

The primary purpose of ROEs is.....

"...to inspect the building plans and specifications...of public school rooms and buildings..." (ILCS 5/3-14.20)

"...to inspect and survey all public schools under his or her supervision..."

"...to request the Department of Public Health, the State Fire Marshal, or the State Superintendent of Education to inspect public school buildings and temporary facilities which appear to him to be unsafe, unsanitary, or unfit for occupancy. These officials shall inspect such buildings or temporary school facilities and if, in their opinion, such buildings and temporary facilities are unsafe, unsanitary or unfit for occupancy, shall state in writing in what particular(s) they are unsafe, unsanitary, or unfit for occupancy. Upon the receipt of such statement the Regional Superintendent shall condemn the building or temporary facility and notify the school board thereof in writing and the reasons for such condemnation"...

To fulfill these duties, ROE's are to utilize the "minimum standards" established by ISBE pursuant to Section 2-3.12 of the School Code. In 1965, ROEs were charged with the additional duty to review and approve "Safety Survey Reports" pursuant to the provisions of Section 2-3.12 of the School Code as amended. They were also charged with duties concerning the review and approval of amounts of funds to be raised through tax levies or sale of bonds for fire prevention, safety, energy conservation, handicapped accessibility, school security and specific repair purposes.

### III. CODES ENFORCED FOR PUBLIC SCHOOLS

#### Illinois Building Commission

The Illinois Building Commission, created in 1995 and staffed in 1999, is intended to be a centralized focus to assist the building industry with building legislative and regulatory issues. The primary mission of the Commission is to act as an advisory body to the Governor, legislature, industry and general public regarding legislation and administrative regulations relating to state construction requirements in Illinois. The Commission works currently with more than 30 state agencies who administer the many state building requirements, interpretation and compliance. The Commission's intent is to work with state agencies, the industry and the general public as an informational resource for state construction.

The Commission currently monitors all legislative and regulatory activity related to the building regulations listed below. The Commission's web site is dedicated to providing valuable legislative and regulatory information. Additionally, a complete overview of the regulatory process to assist the industry in understanding the complicated regulatory process outlined by the Illinois Administrative Procedure Act [5 ILCS 100]. The Commission publishes the "Directory of Illinois Building Related Requirements" that provides contact information for those rules indicated below. This directory is also accessible via the Commissions web site.

#### Primary State Agency Contact Information for

<i>Illinois Building Commission</i>	<i>Jerry B. Crabtree</i>	<i>217/557-7500</i>
<i>Illinois Building Commission</i>	<i>Laura Kozemczak</i>	<i>217/557-7500</i>

The following is a summary from the Table of Contents taken from the "Directory of Illinois Building Related Requirements."

## STATE AGENCY BUILDING REQUIREMENTS

### APPLICABLE TO SCHOOL CONSTRUCTION

#### Agriculture, Department of

- † Confined Livestock Feeding Operations
- † Lawn Care Wash Water Containment
- † Agrochemical Facility Containment
- † Anhydrous Ammonia Storage Facilities
- † Farmland Protection
- † Approval for Construction & Modification of Inspected Meat/Poultry Plants

#### Attorney General, Office of the

- † Accessibility - Parking

#### Capital Development Board

- † Accessibility
  - Parking
  - General
  - Ramps on Curbs
- † State Owned Buildings

#### Children & Family Services, Department of

- † Child Care Facilities - Day Care Centers

#### Commerce & Community Affairs, Department of

- † Energy - Water Heaters

#### Corrections, Department of

- † Correctional Facilities

#### Emergency Management Agency, Illinois

- † Seismic Construction Standard for State-Owned or Leased Buildings

- † Disaster Recovery Programs: Public Assistance

#### Environmental Protection Agency

- † Bureau of Air - Air Pollution Emissions
- † Water Supply Systems - Community Water Supplies
- † Storm Water Discharges from Construction Sites
- † Sewage Disposal - Public Systems
- † Sewage Disposal with Surface Discharge Development & Operating Permits for Solid Waste Landfills
- † Hazardous Waste Disposal Permits
- † Hazardous Waste Disposal Permit Modifications
- † Hazardous Storage Facility Permit Modifications
- † Hazardous Waste Storage Permits
- † Underground Injection Control (UIC) Class I Injection Wells
- † Underground Injection Control (UIC) Class V Injection Wells, Shallow Wells
- † Used Tire Program
- † Potential Infectious Medical Waste (PIMW) Hauling Permits
- † Special Waste Hauling Permits
  - Non-Hazardous Waste and Hazardous Waste
- † Development & Operating Permits for Landscape Waste Compost Facilities
- † Modifications of Permits for landscape Waste Compost Facilities
- † Certifications of Completion of Closure for Solid
- † Waste Landfills that were in Existence in 09/90 Stopped Taking Waste by 10/93, and thus Not Subject to Sections 811-814 Requirements
- † Supplemental Permits for Solid Waste Landfills that were in Existence in 09/90, Stopped Taking Waste by 10/93, and thus Not Subject to Sections 811-814 Requirements
- † Non-Hazardous Waste Treatment Permit Modifications
- † Non-Hazardous Special Waste Transfer Permits
- † Non-Hazardous Special Waste Transfer Facility Permit Modifications
- † Significant Modifications of Permits for



- Solid Waste Landfills
- † Certifications of Completion of Closure for Solid Waste Transfer Stations

### **Environmental Protection Agency Continued...**

- † Development & Operating Permits for Solid Waste Transfer Stations
- † Supplemental Permits for Solid Waste Transfer Stations
- † Agriculture Related Water Pollution
- † Non-Hazardous Waste Landfills

### **Historic Preservation Agency, Illinois**

- † Archaeological & Paleontological Resources Protection Act
- † Historic Preservation Act
  - Environmental Protection
    - Rules for Review of State Agency Undertakings
    - The Illinois Register of Historic Places
- † Historic Preservation
  - Human Skeletal Remains Protection Act
  - Single Family Housing Property Tax

### **Natural Resources, Department of**

- † Floodway Construction
- † Illinois Endangered Species Protection Act
- † Wetland Protection

- † Natural Resources

### **Public Health, Department of**

- † Asbestos - Commercial & Public Buildings
- † Asbestos Abatement in Schools
  - Standards
- † Dairy Processing Establishments
- † Food Establishments
  - Food Service Sanitation
  - Wholesale Processing Plants, Salvage Operations & Warehouses
- † Health Care Alternatives
  - Children's Respite Care
  - Freestanding Emergency Center
  - Post Surgical Recovery Care Center
  - Subacute Care Hospital
- † Health Care Facilities
  - Ambulatory Surgical Treatment Centers
  - Community Living Facilities
  - Hospitals
  - Illinois Veterans' Homes Code
  - Intermediate Care Facilities for the Developmentally Disabled
  - Long-Term Care Facilities for Persons Under 22 Years of Age
  - Sheltered Care Facilities
  - Skilled Nursing Facilities & Intermediate Care Facilities
  - Supportive Residences
  - Hospitals, Nursing Care Facilities, Ambulatory Surgical Treatment Centers, & End-State Renal Disease Centers
- † Health Care Programs
  - Home Health Agencies
  - Hospice Programs
- † Lead Poisoning Prevention Standards
- † Manufactured Home Communities
- † Manufactured Homes - Formerly Known as "Mobile Homes"
- † Manufactured Housing - Modular Dwellings & Mobile Structures
- † Migrant Labor Camps
- † Mobile Home Tie Down
- † Plumbers License
- † Plumbing Standards
- † Recreational Areas
  - Campgrounds & Other Facilities
  - Youth Camps
- † Restroom Facilities
  - Public Accommodations
  - Sanitation

- † Sewage Disposal
  - Mound Systems
  - Private Systems

## **Public Health, Department of Continued...**

- † Swimming Pools
- † Tanning Facilities
- † Water Supply Systems
  - Well Construction
  - Well Pumps
  - Non-Community Public Systems
  - Surface Source
- † Pest Control Operators
- † Private Sewage System Installers & Pumping Contractors
- † Water Well Drillers & Pump Installers

## **Secretary of State, Illinois**

- † Duties of the Secretary of State

## **State Board of Education, Illinois**

- † School Construction
  - New and Existing
  - Sprinkler Systems

## **State Fire Marshal, Office of the**

- † Boiler and Pressure Vessels
- † Boiler and Pressure Vessels Repairs by Welding
- † Elevators - Installation
- † Elevators Tactile Identification Act
- † Fire Hydrants
- † Fire Safety
  - Furniture
  - Fire Prevention and Safety
  - Gasoline and Volatile Oils
  - Gasoline and Volatile Oils, General Storage
  - Gasoline and Volatile Oils, Service Stations
  - Gasoline and Volatile Oils, Underground Storage Tanks
  - High Rise Apartments
  - Hotels and Motels
  - Liquefied Petroleum Gases
  - Race Tracks
- † Smoke Detectors
  - Commercial
  - Residential

- † Space Heaters
- † Telecommunications Facility Fire Safety
- † Truss Construction

## **Department of Transportation, Illinois**

- † State Bikeway Program and Bicycle Safety
- † Adoption of Illinois Highways
- † Control of the Erection & Maintenance of Billboards and Outdoor Advertising Devices An Act to Revise and Codify the Laws Relating to Public Highways
- † Issuance & Sale of Bonds of the State of Illinois to Assist The Transportation Systems
- † Junkyards and Scrap Processing Facilities
- † Prevention of Negligent or Unsafe Excavation or Demolition Operations for

## **International/National Building Code Information**

The state building requirements provided in the "Directory of Illinois Building Related Requirements," published by the Illinois Building Commission, provides references to International or National Building Codes. The following listing identifies the information necessary to contact the various code organizations responsible for their respective products. In the event additional code organizations and their building codes may be

adopted as a standard by a state agency, the Illinois Building Commission will include the reference information necessary.

### **BOCA**

#### ***Building Officials and Code Administrators International, Inc.***

4051 West Flossmoor Road  
Country Club Hills, IL 60478-5795  
Phone: 708/799-2300, ext. 340  
Fax: 708/799-4981  
E-mail: [magazine@bocai.org](mailto:magazine@bocai.org)  
Website: <http://www.bocai.org>

Phone: 610/832-9585  
Fax: 610/832-9555  
E-mail: [service@astm.com](mailto:service@astm.com)  
Website: <http://www.astm.org/>

### **UL**

#### ***United Laboratories***

Corporate Headquarters  
333 Pfingsten Road  
Northbrook, IL 60062-2096  
Phone: 847/272-8800  
Fax: 847/272-8129  
E-mail: [northbrook@ul.com](mailto:northbrook@ul.com)  
Website: <http://www.ul.org>

### **INTERNATIONAL CODE COUNCIL**

5203 Leesburg Pike  
Falls Church, VA 22041  
Phone: 703/931-4533  
Fax: 703/379-1546  
Website: <http://www.intlcode.org>

### **ANSI**

#### ***American National Standards Institute***

11 West 42nd Street, 13th Floor  
New York, NY 10036

### **NFPA**

#### ***National Fire Protection Association***

1 Batterymarch Park  
P.O. Box 9101  
Quincy, MA 02269-9101  
Phone: 617/770-3000  
Fax: 617/770-0700  
E-mail: [custserv@nfpa.org](mailto:custserv@nfpa.org)

### **ASTM**

#### ***American Society for Testing & Materials***

100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

Phone: 212/642-4900  
Fax: 212/398-0023  
E-mail: [ansionline@ansi.org](mailto:ansionline@ansi.org)  
Website: <http://www.ansi.org/>

### **General Accessibility Guidelines Associated with School Construction**

- The goal of Americans with Disabilities Act (ADA) Title II compliance is access to programs, services and activities in the most integrated setting possible.
- All new construction must meet the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and local code requirements. All renovations to existing schools are required to comply with local code as well as ADAAG.
- Existing buildings not undergoing renovations must be evaluated to determine if structural or nonstructural changes are required. Under Title II of the ADA, which is the part of the law that applies to public schools, non-structural means of providing access are the first method to try. These include reassigning classes or meetings from an inaccessible location to an accessible one. When nonstructural methods do not provide the needed accessibility, then structural methods must be used.
- Determining which methods are appropriate for any given school or building must be done on an individualized basis. It should take into account the current and projected future activities occurring in the building. The school principal or other administrative personnel should inform this process, not just facilities staff. Often, a combination of non-structural and structural methods can be used. Usually, it is not necessary to correct every deviation from ADAAG standards in order to provide sufficient program accessibility. For example, not every classroom needs to be accessible if it is feasible for the principal to reassign classes to the rooms that are accessible, when needed.
- It is essential to bring in leadership from both the education / curriculum side of the school system (general ed and special ed), as well as leaders from the facilities side. This will insure a balance between the one-time cost of providing structural accessibility and the ongoing scheduling or administrative difficulties of using non-structural means.
- ADA compliance is an ongoing obligation. If a district cannot, in good faith, carry out all the structural changes that are required to provide program accessibility due to budget constraints in a given fiscal year, it must plan for them in future budgets.
- Access to district programs, services and activities must be provided to people with all types of disabilities covered by the ADA. This means not just people with mobility impairments, but people with communication disabilities, such as those who are blind or who are deaf or hard of hearing. Therefore, appropriate signage is required. There may also need to be visual alarms, assistive listening devices and TTYs. The district must also provide written materials in alternative formats or arrange for sign language interpreters for public events, as required. District web sites must also be accessible to people who are blind or have vision impairments.
- While students are the primary users of school buildings, Title II of the ADA also requires that they be accessible to parents, visitors and members of the community. For areas that are mostly used by elementary age students, it is advisable for any structural changes to comply with the Children's Standards (36 CFR Part 1991 – Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities: Building Elements Designed for Children's Use; Final Rule – January 13, 1998). Structural changes in areas mostly used by adults, or changes in high schools, should follow ADAAG or IAC standards.
- The ADA also applies to qualified persons with disabilities who are employees. These individuals should make requests for reasonable accommodations through their school's or district's ADA Coordinator. These accommodations are made on a case-by-case basis and do not necessarily have to meet ADAAG requirements. For example, if a teacher

- needs grab bars at a different height than ADAAG specifies, these may be installed.
- The district must do a self-evaluation of its policies, programs and practices to determine if they discriminate against persons with disabilities, and make modifications as needed.

### **New Construction, Additions or Alterations**

The Legislation and Codes are written to uphold the health, welfare, and safety of all occupants on school property:

- 1998 Illinois School Code
- Part 180 Health / Life Safety Code for Public Schools
- Illinois Accessibility Code, April 24, 1997
- Illinois Plumbing Code, December 1998
- Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety
- 1996 BOCA National Building Code
- 1996 BOCA National Fire Prevention Code
- 1996 NFPA 70 National Electric Code
- 1996 International Mechanical Code

### **Maintenance Codes**

- 1996 National Property Maintenance Code
- Part 175 Efficient and Adequate Standards for Building Specifications for the Construction of Schools
- Part 185 Building Specifications for Health and Safety in Public Schools